

San Tom Lee

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Intelligent Use of Intelligence

By ADAM YARMOLINSKY

WASHINGTON—One of the least attractive postures for a Government official in public debate is "If you only knew what I know. . . ." It has always seemed to me that Government performance should be able to stand the scrutiny of public examination and judgment based on no more than a careful reading of the daily newspapers, and that it is no proper defense to take refuge in what you cannot tell your critics.

Nevertheless, there are several kinds of materials produced by the Central Intelligence Agency that can be extremely useful, particularly in making or evaluating detailed decisions on the development of weapons, the deployment of forces, and the provision of military assistance.

To take these materials in descending order of importance, the most valuable first, I would begin with order-of-battle information, which can be and is quite precise and informative, particularly when it covers a period of several years. Without getting into highly classified matters, it is safe to say that advanced technology has considerably increased the accuracy and completeness of this data over the last decade.

Next in importance I would put the detailed accounts of the political and economic situations in particular countries or regions. These accounts provide a degree of contemporary detail that is simply not available in the open literature.

The third, and perhaps least important kind of information is the flow of news bulletins that are, many of them, the grist of the daily press and the broadcast media. This material is, or was when I last knew it, published in daily compilations, edited at several degrees of security classification.

There are a number of problems that arise in trying to make effective use of intelligence materials—including some dangerous temptations. To begin with there is the problem created by the sheer volume of available material. The signals are there, but they cannot be heard above the background noise, or distinguished from it.

The problem of volume, or noise, is further complicated by the difficulties of proving a negative. During the period after the Cuba missile crisis of 1962 there were (understandably) a number of reports of suspicious cylindrical objects observed in Cuba. Each of these was painstakingly checked out by the agency until the analysts

were satisfied that the report was in error, or that what had been seen was a SAM air defense missile, not an MRBM or an IRBM. But the agency could not prove there were no offensive missiles in Cuba. And the general availability of these reports to the Congress might tempt some individuals to issue inflammatory statements.

It is not only immediately current intelligence that can be misused by irresponsible recipients. If this legislation is enacted, a special responsibility will attach to the recipient committees to police the dissemination of the materials received.

Careful control is essential for two reasons: in order to avoid the foreign policy consequences of public disclosure, and in order to protect sources. The issue of protection of sources is one on which I have no special expertise to offer the committee, except to point out that there are matters on which one nation is willing to have another nation gather information about itself, by covert or clandestine

means, so long as there need be no official recognition that the veil of official secrecy has been pierced. The point is one that in its nature makes examples inappropriate.

The greatest danger is that Congressional overexposure of intelligence materials might lead the executive to curtail the flow of information to itself as well as to the Congress, or to attempt to tamper with the impartiality

of intelligence reporting. That would be a major tragedy. I do not suggest the possibility as an argument against the proposed legislation, but rather as pointing to even greater need for an effective system of self policy.

Adam Yarmolinsky is professor of law at Harvard. These remarks were made before the Senate Foreign Relations Committee.

San Tom Lee

SENATE UNIT BACKS WAR-FUND CUTOFF

Deadline Would Be End of
Year Provided Hanoi
Freed Prisoners

By JOHN W. FINNEY

Special to The New York Times

WASHINGTON, April 17—
The Senate Foreign Relations
Committee voted today to back
a cutoff of funds for all hos-
tilities in Indochina after this
year provided Hanoi releases
all American prisoners of war.

Such a cutoff is considered
unlikely to come about, both
because of Hanoi's refusal to
release the prisoners and be-
cause of Congressional obsta-
cles—a close fight in the full
Senate and resistance if the
proposal reaches the House.
But Senators saw its impor-
tance as symbolic, a gesture
of protest against renewed
American bombing of North
Vietnam.

The cutoff plan was attached
by the committee as an amend-
ment to a bill authorizing
funds for the State Department
and the United States informa-
tion agency at the suggestion
of Senators Frank Church,

Democrat of Idaho, and Clif-
ford P. Case, Republican of
New Jersey.

It would not take effect
however, unless North Viet-
nam agreed to release all
American prisoners of war.

Meanwhile, in another show
of rising antiwar sentiment
here a nationwide campus
strike was called for Friday by
the National Student Associa-
tion to protest the renewed
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Rogers Defends Policy

The action in the Foreign Re-
lations Committee today came
after it heard the Administra-
tion's policy defended by Sec-
retary of State William P.
Rogers.

The fund-cutoff amendment,
which now goes to the Senate
floor for what is expected to
be a close fight, was adopted
by the committee

of 9 to 2 with two Senators—
William B. Spong Jr., Demo-
crat of Virginia, and John
Sherman Cooper, Republican
of Kentucky—voting "present"
but taking no stand on the
issue.

Voting for the amendment,
in addition to Senators Case
and Church, were the Demo-
cratic Senators Stuart Syming-
ton of Missouri, Claiborne Pell
of Rhode Island, Edmund S.
Muskie of Maine and J. W. Ful-
bright of Arkansas and the Re-
publican Senators Jacob K.
Javits of New York and Charles
H. Percy of Illinois.

Senator George D. Aiken of
Vermont, the senior Republican
on the committee, said he
voted against the amendment
because it would amount to
"accepting North Vietnamese
terms for a settlement."

Seen as Poor Timing

Senator Cooper said he voted
"present" because he felt it
inappropriate to advance such
a proposal at a time when "we
are engaged in a battle that
could affect the fate of our
forces." A similar reason was
offered by Senator Spong for
voting "present."

While not in direct retalia-
tion for the Administration's
decision to resume the air war
over North Vietnam, the com-
mittee's adoption of the amend-
ment was admittedly influ-

enced by the bombing of
Hanoi and Haiphong over the
weekend. The amendment had
been under discussion for some
weeks by Senators Case and
Church, and Senator Case
said "we decided to move a
little sooner than otherwise
planned" in offering the amend-
ment "in view of the events of
the past few days."

Democrats Restrained

While the amendment was
approved overwhelmingly by
the committee, the stronghold
of the Vietnam doves in the
Senate, the defection of Sen-
ators Aiken and Cooper, two
of the most respected Republican
doves, served to underscore a
shift that seems to be develop-

ing in the coalition of Vietnam
critics in the Senate.

The shift became noticeable
during Mr. Rogers's appearance.
Republican Senators identified
as critics of the war, such as
Senators Cooper, Case, Javits
and Percy, notably refrained
from criticizing the Administra-
tion's decision to bomb Hanoi
and Haiphong.

Even Democratic doves on
the committee were relatively
restrained. Mr. Symington and
Mr. Church briefly pursued in-
decisive lines of questioning and
then departed, leaving Senator
Fulbright, the committee chair-
man, alone to press criticism
of the Administration.

The hearing started on a con-
tentious note as Senator Ful-

bright refused to allow Mr.
Rogers to read a prepared state-
ment on the military aid pro-
gram—the ostensible subject of
the hearing. Over Mr. Rogers's
protests, Senator Fulbright or-
dered the statement—almost
identical to one already pre-
sented to the House Foreign Af-
airs Committee—placed in the
committee record.

Use of Pursestrings

By the end of the three-hour
hearing, Mr. Rogers, apparently
sensing that the Republicans
were on his side and that Sen-
ator Fulbright was isolated in
his criticism, was throwing
questions back at the Senators
and chiding them for not criti-
cizing North Vietnam for its

"massive invasion" of South
Vietnam.

Apparently realizing that Mr.
Rogers had stolen the initiative,
the committee doves, with some
prodding from their aides, re-
grouped at a closed-door meeting
later in the day around the
cutoff amendment.

As explained by Senator
Church, the amendment would
use the Congressional power of
the pursestring "to bring about
an orderly withdrawal of Amer-
ican troops from Indochina." At
the same time, he said, it would
"put Hanoi on notice that re-
lease of the prisoners could lead
to an orderly termination of the
war."

The amendment, Senator
Church said, was designed to

carry out the general policy
laid down in an amendment by
Senate Majority Leader Mike
Mansfield, adopted by Congress
in modified form last year,
calling for prompt withdrawal
of American forces subject to
the release of prisoners of war.
Since President Nixon had
chosen to disregard the Mans-
field amendment, he said it was
decided to resort to the Con-
gressional control of fund, to
force a withdrawal policy.

Technically, the amendment
only speaks about an end to
American hostilities. But as in-
terpreted by both Senators
Church and Case, the amend-
ment contemplated the with-
drawal of all American forces
except military advisers.